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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,923	05/30/2001	Chikara Murata	108421-00016	5150
4372	7590	10/21/2003	EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			CHANG, VICTOR S	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/866,923

Applicant(s)

MURATA, CHIKARA

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Examiner has carefully considered Applicant's amendments and remarks filed on 6/20/2003. Applicant's amendments to claims 1, 2, 4 and 5, withdrawn of claims 3 and 6, and newly added claims 7-10 have all been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

### ***Claim Objections***

4. Claims 2, 4, 8 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

It is noted that newly amended claim 2, line 2, now recites "said anti-reflection layer further has an anti-reflection function". It appears the anti-reflection "function" is inherent to an anti-reflection layer. As such, claim 2 fails to further limit its dependent upon claim 1, i.e., a de facto duplicate.

Similarly, claims 8 and 10 appear to be de facto duplicates of claims 7 and 9, respectively.

***Response to Amendment***

5. Claims 1, 2, 4, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. (US 5820957) in view of Nishizawa et al. (US 6268704), substantially for the reasons set forth in section 5 of Paper No. 10, together with the following additional observations.

With respect to Applicant's Response arguing that Nishizawa does not disclose or require an adhesive layer, or the adhesive layer is already colored as set forth in the claimed invention (Remarks, page 4, fourth paragraph), the Examiner notes that Applicant argues the cited references individually. In response to Applicant's arguments, it is asserted that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. In particular, the Examiner repeats (see Paper No. 7, page 3) that Nishizawa teaches that the body color of the cathode ray tube may be changed to an achromatic color by adding a complementary coloring matter, such as a pigment or dye, to the coated second layer (column 3, lines 41-52). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to incorporate Nishozawa's teaching to add a complementary color matter in the adhesive layer (which is structurally equivalent to Nishozawa's coated layer) of Schroeder's transparent anti-reflective film, motivated by the desire to improve the viewing comfort of the display. It should be noted that the selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination. See MPEP § 2144.07. Further, this instant invention appears just making integral what are known in

the prior art, and lacks nonobviousness when considered as a whole. See MPEP § 2141.02. The Examiner suggests that Applicant has failed to make a clear argument as to why the prior art combination is improper.

With respect to Applicant's argument that Schroeder does not have a multilayer anti-reflective layer (Remarks, page 5, first full paragraph), the Examiner again repeats (see Paper No. 10, page 3) that the multilayer structural limitation for the anti-reflective layer is absent from any of the claims.

For newly added claims 7-10, it is noted that Schroeder expressly teaches that any of the many known optically transparent adhesives are suitable, including acrylate pressure sensitive adhesives formed from monomers of various acrylate monomers and acrylic acid, etc. (column 5, lines 39-67). It should be noted that acrylic acid inherently comprises a carboxyl and/or hydroxyl group.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Art Unit: 1771

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VSC

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1300  
1700

*Daniel Zinker*